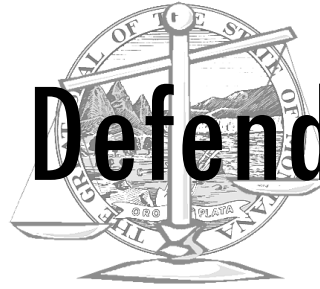


Public Defender News



Inside this issue:

Regional Deputies Recognized	2
Contractors' Corner	3

Save a Tree?

If you would like to receive an email notification when the newest edition of this newsletter is available on OPD's website, please email cmdoyle@mt.gov and we'll take you off the paper mailing list.

Articles Wanted!

The deadline for the next newsletter is April 21. Your contributions, ideas, office news, questions, and/or answers from around the state are most welcome! Please send them to cmdoyle@mt.gov.

CHIEF'S CORNER

This is the second issue of the newsletter which only exists because Cathy Doyle forcefully makes us submit our articles. That's just the lead-in for me asking everyone to feel free to suggest information that you would like to see in the newsletter or, even better, submit a piece for the next publication.

As most of you have heard, we are slowly going forward with the performance appraisals for all our attorneys as well as proficiency determinations for contract attorneys. Both these processes involve the participation of Eric Olson, Larry Murphy, the managing attorneys, the regional deputy public defenders and me. The goal is to arrive at suggestions that make us all better

public defenders. This is not a process for which anyone should have fear. If you are interested in the specifics of the process you can find them at our website under policies and procedures.

Most of you know that my theory of public defense work is that the client is paramount. He or she deserves to be treated with respect and made a partner in the case. I also deeply believe that we need to fight when it is appropriate, usually not just to fight. I am very proud of what we are all doing. I hear of many battles we have righteously fought and won!

Harry and I are beginning development of

(Continued on page 2)



"The Gavel of Justice" Central Office and Region 5 staffers Mori Woods, Bekki Downing and Sandy Law participated in Uptown Butte's annual ice sculpting contest.

Did You Know?

If you receive a phone call that is obviously a fax machine (you know—that shrill screeching shriek on the other end), just transfer it to your fax machine as you would normally transfer any phone call. You will magically receive a fax!

-Pepper Aden, Hamilton

For a line break within a cell in Excel, press Alt-Enter.

In Word, the Shift-F3 combination will toggle selected text between all caps, all lowercase, and title case. No need to retype!

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GOVERNOR'S AWARD 2007

The Regional Deputy Public Defender Team received the 2007 Governor's Award. Starting a new statewide organization from the ground up sometimes brings out the best in people. These individuals became part of a Statewide System, while preserving the uniqueness of their regions. Members have shown unfailing commitment to their clients, and to the system, by providing legal services to the poor, who might not otherwise have a defense; and, holding fast to the principle that people are innocent until proven guilty. Pictured are members Sherry Staedler, Matt Wald, John Putikka, Peter Ohman, Ed Sheehy, Kristina Neal and Douglas Day. Not pictured are Jeremy Gersovitz, Kris Copenhagen, Ali Moulton, and Dan Boucher.

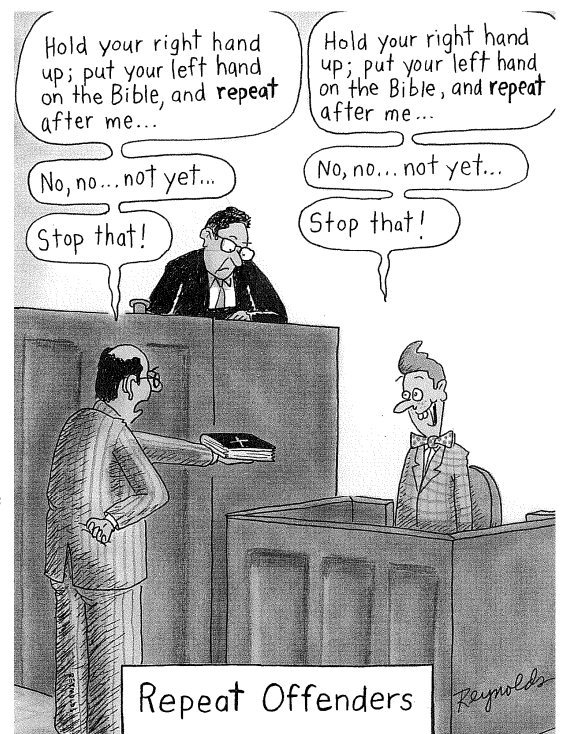
CHIEF'S CORNER, continued

(Continued from page 1)

the strategic plan for the 2010-2011 fiscal years. It is the first step in developing the budget for the next two years. The initial budgets are due this spring. We sense that, in some regions, the caseloads are significantly increasing. Some of the important information we will need to justify budget requests will come from JustWare. So remember when we ask for closed statuses, etc. to be entered into JustWare, we are not just staying up at night to think of further demands to make on your time. The information will be used to help all of us have the resources we need to do the job.

Keep up the good fight!

Randi



CONTRACTORS' CORNER

Well another holiday season has come and gone as well as another birthday. I'm older and maybe a little wiser after meeting with many of you over the last few months.

Randi, Harry and I will be continuing our contract attorney forums. It is our intention to meet with contract attorneys in Hamilton, Butte, Helena, Bozeman and Havre over the next few months.

I think we have a commitment from Lexis to provide this research tool for up to 50 contract attorneys. If you have been providing services to OPD during the last year and wish to partake in this offer, please advise Cathy Doyle in the Central Office (cmdoyle@mt.gov) and you will be put in the pool of prospective recipients.

We are still working on a Brief Bank and have a rudimentary system in place for our OPD employees, but it gets a little more complicated when we want to open it up to contract attorneys. I suggest that you contact your Regional Deputy to get the names of our briefing attorneys (you'll find their names and contact information in the sidebar) who can then either help you with your research or at least pass your issue along throughout OPD's internal network.

Randi and I, in conjunction with the regional deputy public defenders, have been doing **proficiency determinations** while we are on the road meeting with you folks. As you may remember, these assessments will assist us in determining the necessity of your completion of the CLE requirements in the Standards adopted by the Public Defender Commission. Your performance may reduce the number of annual CLE hours required by the MOU.

Please revisit our website (www.publicdefender.mt.gov) and review some of the new forms. **"Oh no, not more forms!!"** The new claim forms ask you to indicate whether a specific case is closed or open. A "Yes/Y" or "No/N" is sufficient. OPD is required to maintain current and

annual case counts for the Legislature and others, and these new forms will allow us to manage those numbers.

There are also **new pre-approval forms for mental health providers**. You will note that these forms have a section verifying consultation with Dr. Laura Wendlandt, OPD's Mental Health Consultant. All mental health pre-approvals must be approved by Dr. Laura. She has spent numerous hours creating a Mental Health Protocol, has visited with most of the providers in the state, and is vital to this process. She has also created a Mental Health Provider MOU. **You are not authorized to employ the services of a Mental Health Provider who has not signed an MOU.** Please check with Dr. Laura at drlaura@mt.gov prior to seeking the services of a MH provider.

One last comment on pre-approvals. As you know, pre-approval must be obtained *before* you employ a mental health provider, investigator or other service provider for all costs exceeding \$200. Services which equal or exceed \$1000 require a second level of approval from the Central Office. If the initial request was for less than \$1000, but a supplemental request increases the total for that task to \$1000 or more, **the supplemental request must be approved by the Central Office.** (There is a new supplemental form for both mental health and non-mental health costs on the website.) We are seeing numerous claims from providers exceeding the pre-approved amount. You must advise your provider that supplemental requests will not be approved without justification for the increased cost. This is a budget issue. The whole point of the pre-approval process is to analyze costs prior to the work commencing and that said costs are PRE-approved.

As Randi says, thanks for all the work you do. Keep up the good work and feel free to contact me if you have any questions.

Keep warm.
Larry

Proficiency determinations will assist us in determining the necessity of your completion of the CLE requirements defined in the Standards adopted by the Public Defender Commission. Your performance may reduce the required number of annual CLE hours.

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**Office of the State
Public Defender**

*Ensuring equal access
to justice statewide.*

[We're on the web!
publicdefender.mt.gov **]**

UPCOMING TRAINING EVENTS

These sessions are open to all public defenders, including contract attorneys. Check the website for additional training opportunities.

MTACDL Annual Criminal Defense Training Conference

March 13-14 (Chico Hot Springs)

Attacking a Diagnosis of Malingering

April 4 (via satellite)

Dr. Michael Scolatti

Tier Designation and Registration (Adam Walsh ACT)

April 11 (via satellite)

Investigator Training, Phase 3

April 24-25 (Butte)

Defending Battered Women

May 16 (Missoula and via satellite)

Contact Eric Olson (eolson@mt.gov or 523-5170) for details on satellite locations.